



Report to the Auburn City Council

Action Item
Agenda Item No. **9**

[Signature]
City Manager's Approval

To: Mayor and City Council Members
From: Reg Murray, Senior Planner
Date: October 28, 2013
Subject: Ordinance Amendment – Emergency Shelters in the Industrial (M-2) zone;
Transitional and Supportive Housing in Multi-family Residential (R-3) zone
(File 301.3(bb))

The Issue

Should the City Council introduce for First Reading an Ordinance which: 1) amends the Auburn Municipal Code by adding emergency shelters as a permitted use in the Industrial (M-2) zone district; 2) establishes standards for permanent and temporary emergency shelters; and, 3) permits Supportive and Transitional Housing in the Medium Density Multiple-family Residential (R-3) zone district?

Motion for Approval

The Auburn Planning Commission recommends that the Auburn City Council take the following actions:

- A. By Motion, adopt a Statutory Exemption prepared for the Ordinance as the appropriate level of environmental review in accordance with Section 15061 (b)(3) of the California Environmental Quality Act (CEQA) and Guidelines.
- B. By Motion, adopt the following Findings of Fact for approval of the Ordinance for Emergency Shelters and Transitional and Supportive Housing:
 1. The Ordinance implements State law;
 2. The Ordinance is consistent with the Auburn General Plan Housing Element;
 3. The Ordinance is the minimum necessary to protect the public interest, health, safety and general welfare.
- C. By Motion, introduce and hold a First Reading, by title only, of an Ordinance which amends the Auburn Municipal Code by adding emergency shelters as a permitted use in the Industrial (M-2) zone district; establishes standards for permanent and temporary emergency shelters; and, permits Supportive and Transitional Housing in the Medium Density Multiple-family Residential (R-3) zone district (Exhibit A).

Background

In 2007, the State enacted Senate Bill 2 (SB 2) which amended California Government Code Section 65583 by requiring that jurisdictions plan for emergency shelters in the Housing Element (Element) of the General Plan. With SB 2, jurisdictions must identify at least one zone district that can accommodate at least one year-round emergency shelter; and, emergency shelters must be allowed as a permitted use (i.e. jurisdictions cannot require a use permit or other discretionary permit).

The 2008 Auburn Housing Element included Program N, which anticipated that emergency shelters would be approved as a permitted use type in the Industrial (M-2) zone district. In order to satisfy the requirements of Program N, the City started the review process for emergency shelters earlier this year. The Auburn Planning Commission and the Auburn City Council have considered several zoning options for emergency shelters at several meetings over the course of the last eight months, including:

- March 5, 2013 – The Planning Commission reviewed of the initial proposal for the Industrial (M-2) zone.
- April 8, 2013 – Initial City Council review of the M-2 zone.
- May 13, 2013 – City Council takes no formal action on the M-2 zone proposal and provides direction to consider a zone overlay process and two potential overlay sites on Nevada Street and Wall Street.
- July 2, 2013 - Planning Commission review of an overlay ordinance and Rezone proposals for overlay sites on Nevada Street and Wall Street.
- July 22, 2013 - City Council reserves decision on the overlay ordinance and denies the Rezone proposals for the overlay sites on Nevada Street and Wall Street.
- July 29, 2013 - City Council public bus tour looking at site alternatives.
- August 12, 2013 - City Council review of alternatives; recommends new zone for emergency shelters in the Regional Commercial (C-3) zone district and consideration of nine lots on Auburn Ravine Road.
- September 17, 2013 - Planning Commission reviews the Regional Commercial – Emergency Shelter (C-3-ES) zone district and a Rezone proposal for the Auburn Ravine Road project area; recommends denial of both proposals.

Most recently, on October 14, 2013, the Auburn City Council reviewed the proposed code amendment for the Regional Commercial – Emergency Shelter (C-3-ES) zone district as well as the Rezone proposal for the Auburn Ravine Road project area. Following public input and Council deliberation, the City Council voted 3-2 to reconsider allowing emergency shelters in the Industrial (M-2) zone district and directed staff to bring the Industrial (M-2) zone district back to Council for consideration at its next hearing on October 28, 2013. The City Council also

continued the public hearings for the C-3-ES zone district and the Auburn Ravine Road project area to the October 28th hearing in order to consider these proposals alongside the proposal for the Industrial zone district.

Proposed Ordinance

The proposed ordinance for emergency shelters in the Industrial (M-2) zone district is provided with Exhibit A. In addition to designating permanent emergency shelters as a use permitted by right in the M-2 zone, the ordinance also allows temporary emergency shelters as part of an institutional use, and establishes standards for the development and operation of emergency shelters. The ordinance also includes language which permits transitional and supportive housing in the City's multi-family residential (R-3) zone district. The code amendments are summarized below:

1. **Definitions (Exhibit A; Section One)** – The proposed ordinance provides several definitions, including ones for “Emergency Shelter,” “Institutional Use,” “Supportive Housing,” and “Transitional Housing.” The ordinance also includes a revised definition for “Family” to be consistent with current law.
2. **Supportive & Transitional Housing (Exhibit A; Section Two)** – Senate Bill 2 mandates that local jurisdictions permit “transitional housing” and “supportive housing,” with such housing treated the same as any other residential use property (i.e. as a use permitted by right). The proposed ordinance specifies that Supportive Housing and Transitional Housing will be permitted by right in the Multi-family Residential (R-3) zone district. In general, transitional housing means buildings configured as rental housing, but operated under program requirements that call for the termination of assistance and the recirculation of the unit to another eligible program recipient at some predetermined point in the future which shall be no less than six months; while supportive housing means housing with no limit on the length of stay that is occupied by a particular target population (generally, low income and disabled persons).
3. **Industrial Zone – Emergency Shelters Permitted (Exhibit A; Section Three)** – This section amends Section 159.037 of the Auburn Municipal Code by adding the Emergency Shelters as a permitted use type in the Industrial (M-2) zone district (i.e. not requiring any additional discretionary permits).
4. **Emergency Shelters – Permitting and Development Standards (Exhibit A; Section Four)** – Section Four specifies the permitting and development standards for emergency shelters. Pursuant to Section 159.381(A) permanent shelters will be allowed in the M-2 zone district by right (i.e. allowed without the need for any additional discretionary action such as a use permit); while Section 159.381(B) allows temporary emergency shelters in conjunction with institutional uses. Senate Bill 2 also allows jurisdictions to include development standards for permanent emergency shelters, but only in specific categories. Section 159.382 details the development and management standards applicable to emergency shelters:
 - a. **Occupancy** – Permanent emergency shelters would be allowed to have up to twenty-five (25) occupants at any one time. This development standard has received considerable discussion in the past, with recommendations by staff, the Planning

Commission, and Council ranging between 15-30 persons. The current draft reflects the City Council's direction from the meeting on July 22nd.

- b. Parking Requirements – The proposed ordinance requires that emergency shelters provide a minimum of one parking space for each staff member plus one parking space for every four residents. This standard reflects direction from the City Council at their July 22nd hearing.
 - c. Management – The management standards are consistent with prior drafts and include two revisions by the City Council: *Item 3.a* – The number of on-site staff was increased from one (1) to two (2); and, *Item 3.d* – The shelter will maintain a list of residents which will be available to the Police Department on request, and management will notify the Police Department if they remove a resident from the facility.
 - d. Facilities – The proposed ordinance specifies that shelters provide certain minimum facilities. The list of facilities reflects prior recommendations by the City Council including a common area for use by the occupants, laundry facilities, and a minimum of two showers.
 - e. Operations Plan – The ordinance includes a requirement that the shelter provide the City with a plan detailing how the facility will be operated.
5. **Industrial (M-2) Zone** – With the designation of a zone district for emergency shelters, the City needs to ensure that there are an adequate number of reasonable sites that can be provided to serve the needs of the homeless community. The M-2 zone district occurs at several locations in town, with three primary locations: the M-2 zone along Borland Avenue and Lincoln Way, between Hwy 49 and Gossonia (see Attachment 1); the M-2 zone on Sacramento Street between Railhead Park and Auburn Folsom Road (Attachment 2); and, the M-2 zone on the west side of Nevada Street between I-80 and Blocker Drive (Attachment 3).
- a. Shelter Separation Standard (Section 159.382(A).3.a) – The ordinance includes a separation requirement between emergency shelters of 300 feet. The Government Code established with SB 2 limits the maximum separation between shelters to no more than 300'; therefore, this standard may not be increased.
 - b. Residential Buffer (Section 159.382(A).3.b) – Based on sensitivity to nearby areas associated with the Single-family Residential (R-1) zone, the City has proposed a 300' buffer from the R-1 zone. This 300' buffer, shown by the red cross-hatched areas on Attachments 1-3, eliminates parts of the M-2 zone from consideration. The remaining area in the M-2 zone provides an adequate number of potentially suitable sites to comply with the requirements of SB 2.
 - c. Planning Commission Buffer Recommendations – The Auburn Planning Commission, during its review of the M-2 zone proposal, recommended increasing the buffer from the R-1 zone from 300' to 500', subject to review by staff and the City Attorney. During the same discussion, the Commission also recommended including an additional 500' buffer for schools, parks, and libraries. The City Attorney and staff reviewed both buffer recommendations by the Commission and reported previously to

the City Council that the application of either (or both) buffers would reduce the available number of M-2 sites considerably, putting into question the City's ability to provide a sufficient number of adequate sites. Accordingly, the draft ordinance includes the original 300' buffer from the R-1 zone (Section 159.382(A).3.b).

Public Notice

The City provided the required public notice for the October 28, 2013 City Council hearing by placing a 1/8th page notice in the Auburn Journal on Friday October 18, 2013. In addition to this required notice, individual notices were mailed to all property owners located within 500' of the M-2 zone areas potentially affected by the proposed code amendment.

Miscellaneous Information

As noted above, the Planning Commission and City Council has reviewed the Industrial (M-2) zone at several prior hearings, including March 5th, April 8th, May 13th, July 29th, and August 12th. Information for all of these hearings, including staff reports, maps, and public comment, are available in the Auburn Community Development Department or at the City's website www.auburn.ca.gov.

The City has received two public comment letters relating to the proposal for the Industrial (M-2) zone (Attachments 4-5).

Environmental Determination

In accordance with Section 15061 (b)(3) of the California Environmental Quality Act (CEQA) and Guidelines, a project is exempt from CEQA if the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is not possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The Auburn Community Development Department reviewed this project as required by CEQA and found it to be Statutorily Exempt from the provisions of CEQA per §15061(b)(3).

Alternatives Available; Implications of Alternatives

1. Introduce the Ordinance for First Reading to allow emergency shelters in the Industrial (M-2) zone district.
2. Deny the Ordinance.
3. Continue the Ordinance and direct staff to provide additional information.
4. Do not adopt the Ordinance and provide direction to pursue alternatives.

Fiscal Impact

Minimal fiscal impact associated with preparation of the draft ordinance by Community Development staff in consultation with the City Attorney.

Attachments:

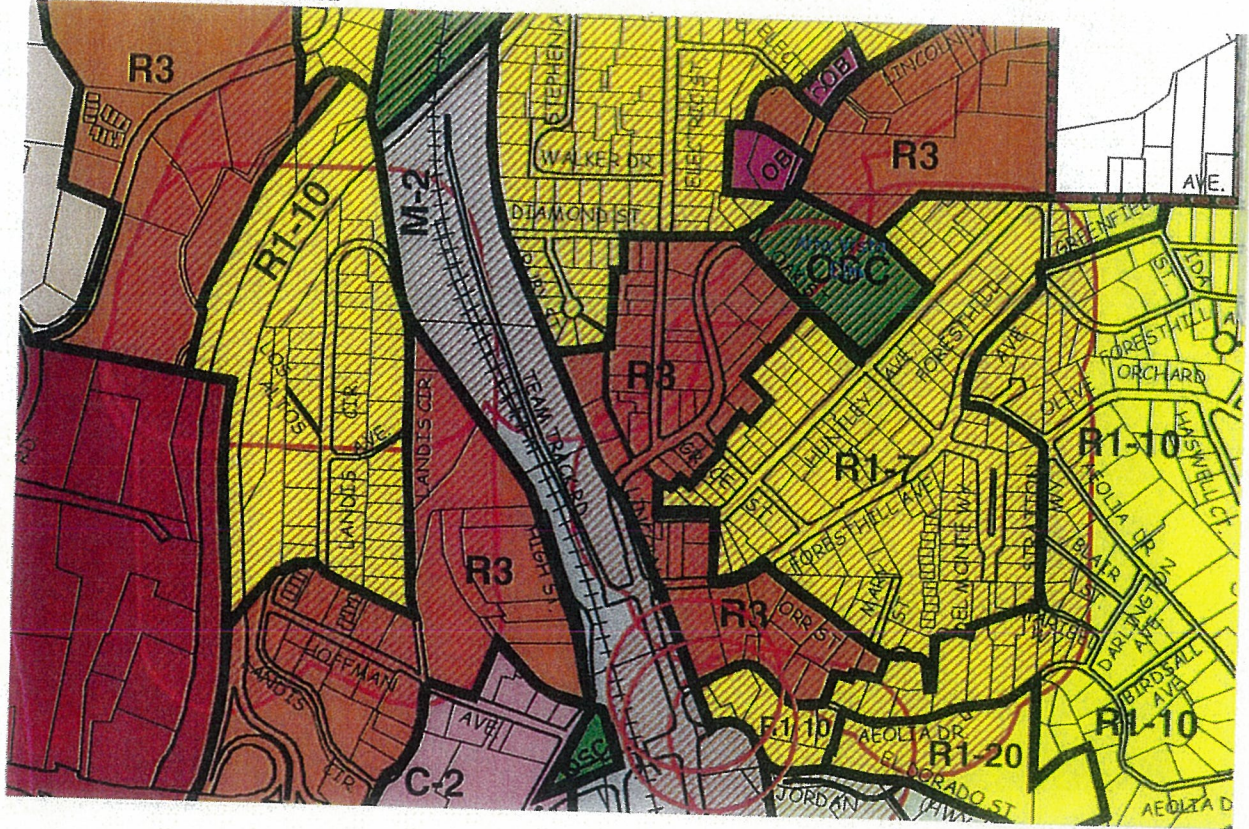
1. Industrial Zone area – Team Track and Borland Avenue
2. Industrial Zone areas – Agard/Pleasant and Sacramento Street
3. Industrial Zone areas – Nevada Street
4. Letter from Union Pacific Railroad received October 23, 2013
5. Letter from Sergio Platonoff received October 24, 2013

Exhibits:

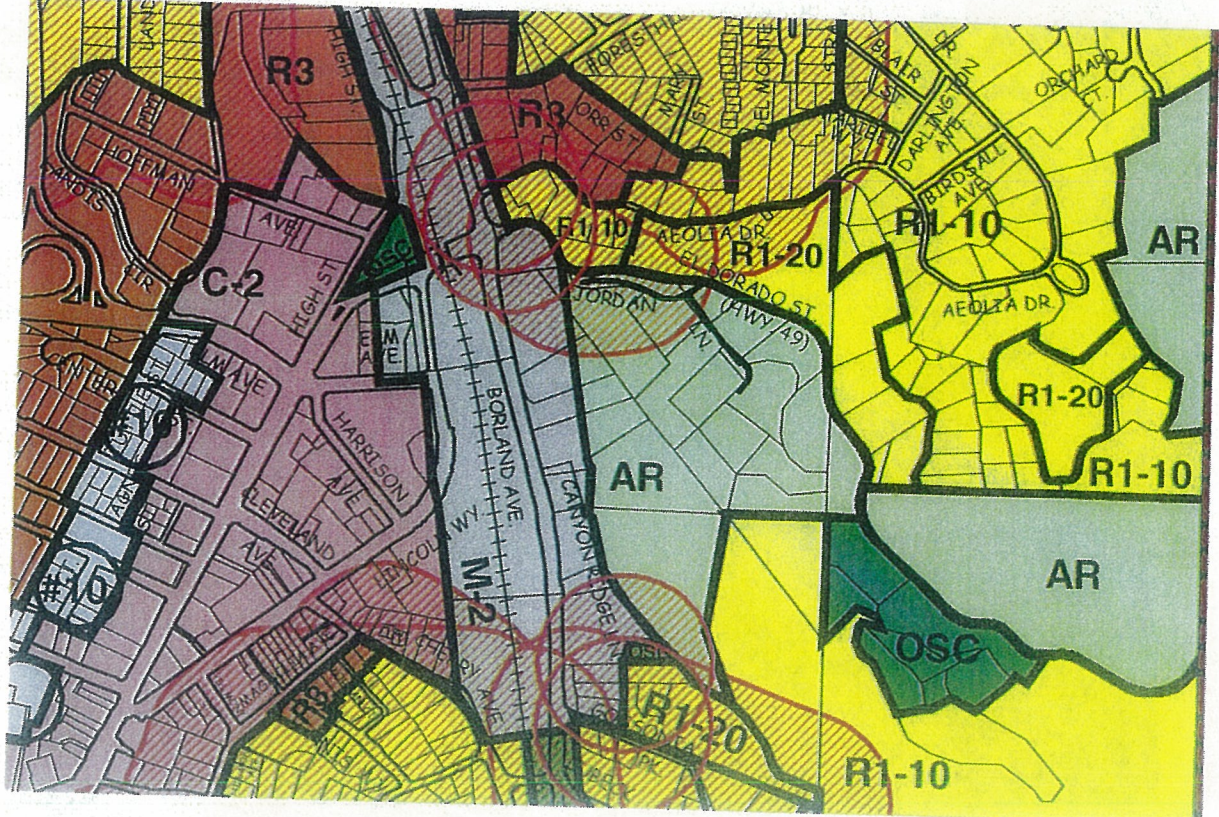
- A. Ordinance – Emergency Shelters and Transitional and Supportive Housing

INDUSTRIAL (M-2) ZONE AREAS

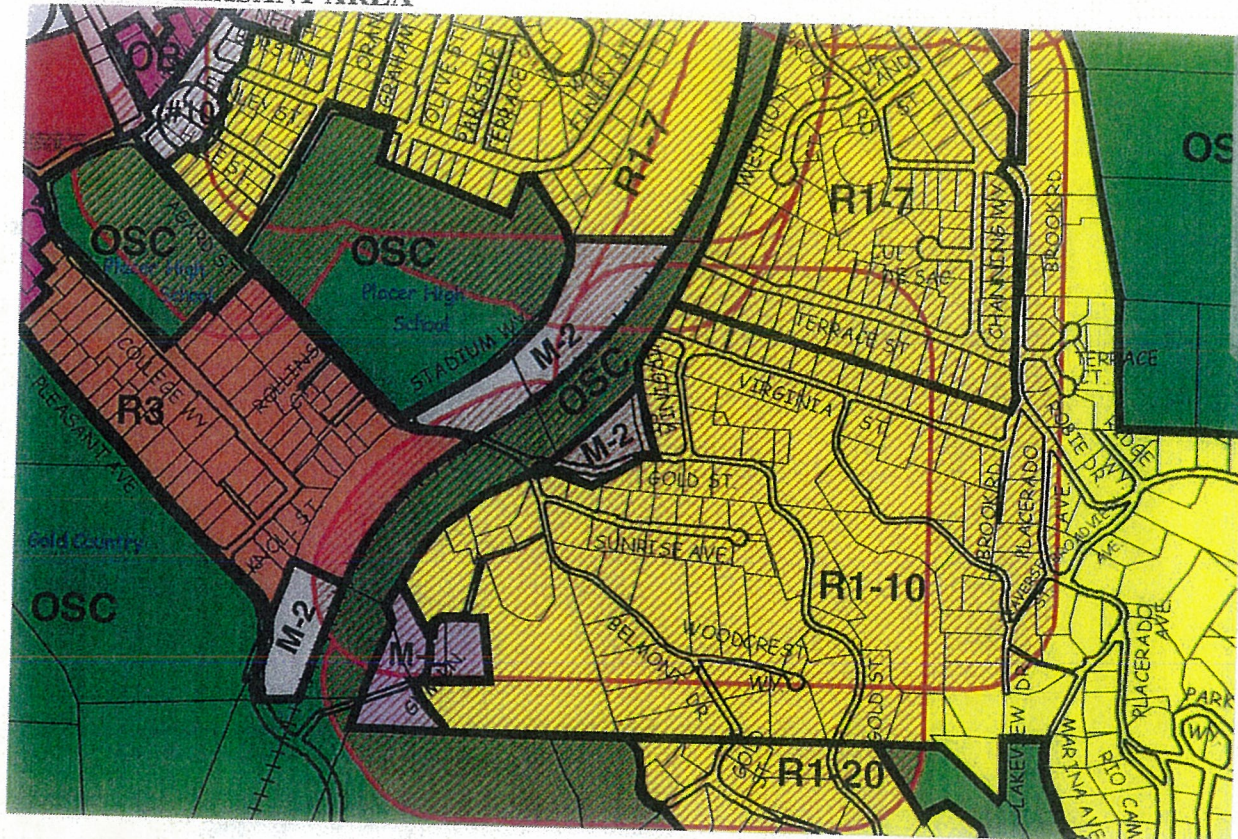
TEAM TRACK AREA



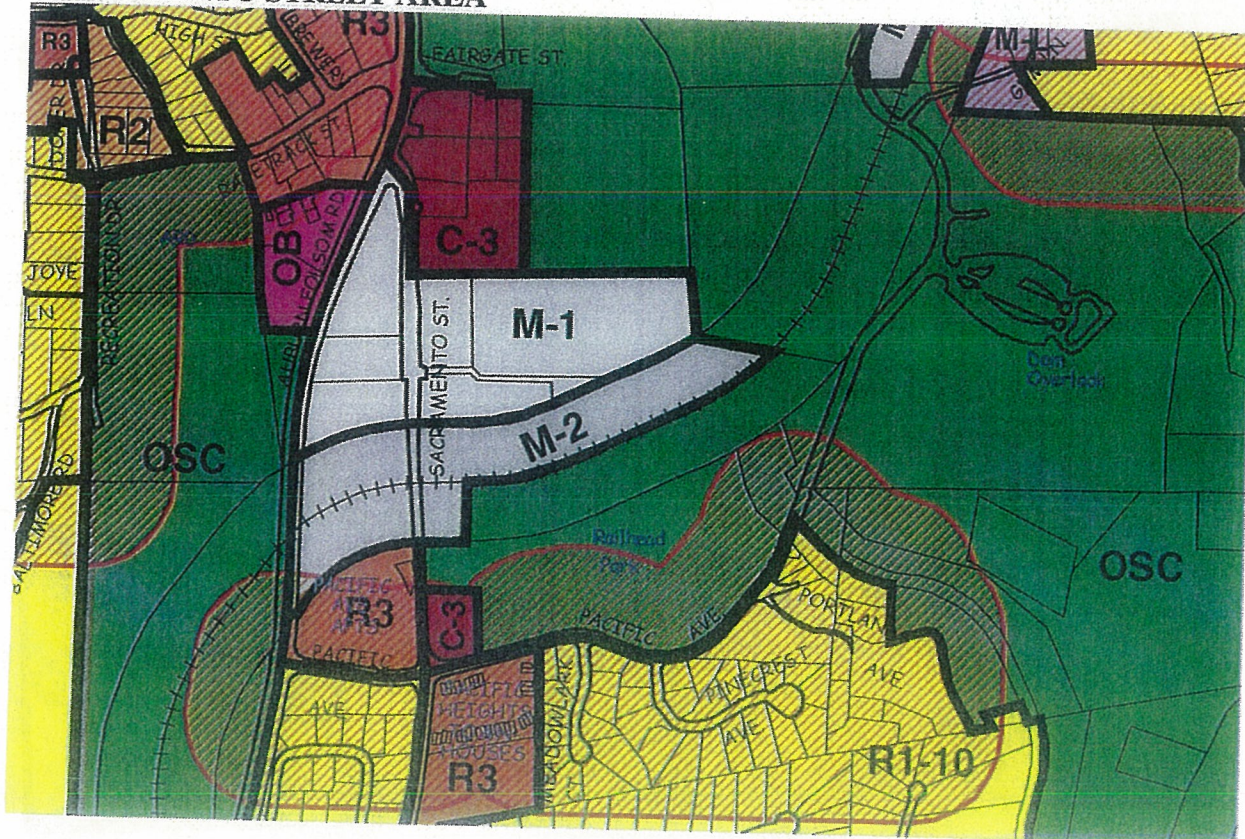
BORLAND AREA



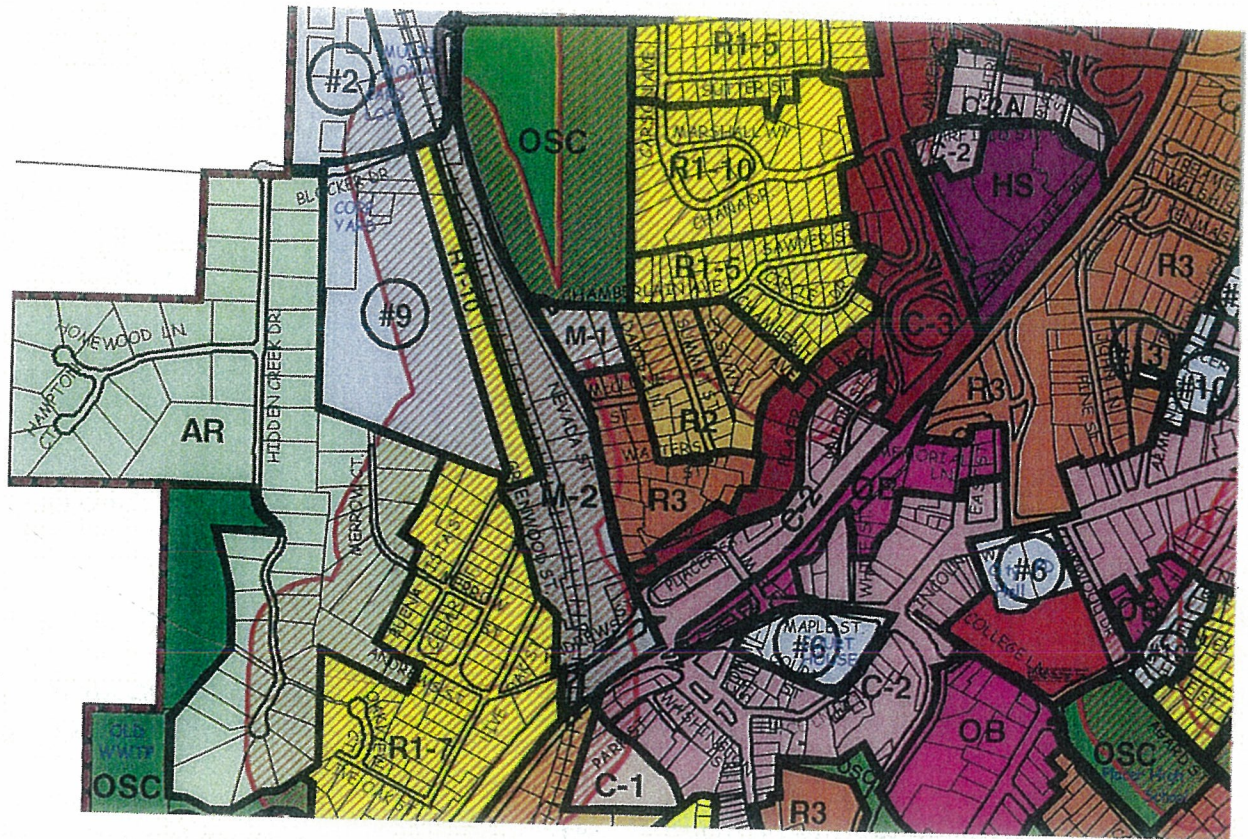
AGARD/PLEASANT AREA



SACRAMENTO STREET AREA



NEVADA STREET AREA



UNION PACIFIC RAILROAD
915 L Street, Suite 1180
Sacramento, California 95814

P 916 789 5957
C 916 792 9160
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Liisa Lawson Stark Director Public Affairs

RECEIVED

OCT 23 2013

COMMUNITY DEVELOPMENT
CITY OF AUBURN

October 18, 2013

Reg Murray
Senior Planner, City of Auburn
1125 Lincoln Way
Auburn, CA 95603

Re: Zoning Reconsideration of Emergency Shelters and Safety Near Shelter Facilities

Dear Mr. Murray:

This letter is in regards to the City of Auburn's consideration of identifying a zone within city limits that would allow emergency shelters as a permitted use type.

As Union Pacific testified during the April 8, 2013 City Council meeting where this issue was discussed, our company would like to express concerns with the siting of emergency shelters in very close proximity to UP's main line railroad tracks that run through the city.

Union Pacific understands that the city is required, by state mandate, to identify locations where emergency shelters can be located. It is our understanding that the M-2 and C-3-ES Zones are under consideration for this purpose.

While Union Pacific does not oppose the concept of emergency shelters, our concern is that they may be located in very close proximity to a high-volume, active rail corridor, without any requirement for barriers or fencing to prevent people from crossing over the railroad tracks and trespassing on railroad property.

In addition, it is our understanding that any new emergency shelters will not go through a public input process. Hence, there will be no opportunity to require that fencing be installed as part of any new shelter construction. Unfortunately, based on Union Pacific's experience, this will put members of the public as well as our train crews at risk.

The staff report from the October 14, 2013 City Council meeting (page 59) states that "*Senate Bill 2 allows local jurisdictions to include development standards for permanent emergency shelters, but only in specific categories.*" Those categories include Occupancy, Parking Requirements, Management, Facilities and Operations Plan.

Given some flexibility this appears to allow the city in regards to setting development standards, Union Pacific respectfully requests the city to consider including the following as part of the development standards:

- Language regarding safety and security to address facility off-site needs as they relate to public safety such as fencing, facility distance from the railroad tracks, etc.
- Consultation with the railroad as part of the Operations Plan to ensure that fencing or other physical barriers are installed to prevent trespassing or loitering on private property.
- Language in the Management Plan related to use of outdoor space and need for fencing or other barrier to minimize negative impacts to adjacent properties.

If the city is not able to consider any of the suggestions above, then Union Pacific would suggest that the city provide fencing along UP right-of-way between railroad property and any future emergency shelter facility to prevent people from having access to the railroad tracks.

Union Pacific is committed to improving public safety on all of its rail corridors and is committed to working collaboratively with the city to address all concerns relating to safety. Please do not hesitate to contact me should you have any questions.

Sincerely,



Liisa L. Stark

Cc: Mayor and City Council Members

Sergio Platanoff
6669 Alder Park Cir
Roseville, CA 95678
October 24th, 2013

October 24, 2013

Attn: Reg Murray, Senior Planner

Auburn City Council
1225 Lincoln Way, Auburn, CA 95603.

Dear Sir or Madam:

**Re: Rezoning industrial to commercial districts c-3-es
and rezoning R-3.**

I have numerous concerns about rezoning's in order to accommodate Emergency Shelters and Supportive/Transitional Housing for the homeless. Emergency Shelter by itself if not used on a regular DAILY basis may be ok., housing the homeless not ok for the following reasons:

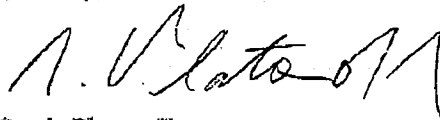
1. Because of it's proximity to the trains, right next to the rail tracks, it will bring homeless people from ALL over the country, transients, like a new gold rush. The area is just not suitable to accommodate them ALL at city's and taxpayers' expense, and why should the sole people of the city of Auburn bear this burden to accommodate homeless from ALL of the country.
2. These homeless people will drift into the city streets, again because of close proximity, one block away. This is bad for the business as people that currently do business now will be driven away to other areas for shopping etc. The business owners should be invited to this meeting to have their say.
3. Right behind the industrial area, i.e. just a fence away, is the R-3 zone. This area comprises mostly of single and some multi-family homes. There are no walkways for pedestrians and after hours a lot of people including seniors walk the streets for their daily exercises. With homeless around, many will not feel safe to walk the streets at night. It's dark as is because of lack of street lighting and it will be dangerous when they're around in the dark.
4. During the daylight, most of those homeless will drift to the canyon, also about a block away. In the cover of the forest there they'll have the OPPORTUNITY to create major problems, rapes, killings, smoking whatever and drinking whatever, forest FIRES, etc., do we need that?, who are we going to BLAME later?, the CITY for not listening!

October 24, 2013

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5. Those of you that don't believe me, just take a drive at night to Sacramento downtown or San Francisco downtown and take a look. It may not look that bad from a car but try walking around, unfortunately I have and was almost mugged because I didn't have any change in my pockets.
6. Elementary and pre-school is only about half a mile away, and lots of daycare centers around. Not really wise to bring homeless people closer to the schools.
7. Not fair for the people that bought housing and businesses close to downtown Auburn. All those people, and there's a lot, bought on the basis of what the city is and what it looks like. After hundreds of years INTRODUCING homeless people to downtown is synonymous to a man-made disaster.
8. I do understand that the city is mandated to provide some shelter but AWAY from medium to high density community is the way to go.
9. In view of all of the above, my input is a definite NO for rezoning, we as a community want to make things better not worse.
10. Thank you for your consideration.

Sincerely,



Sergio Platonoff
Owner of 125, 127, 129, 131 Electric St
Auburn, CA 95603

ORDINANCE NO. 13 - _____

AN ORDINANCE WHICH: 1) ADDS EMERGENCY SHELTERS AS A PERMITTED USE IN THE INDUSTRIAL (M-2) ZONE; 2) ESTABLISHES STANDARDS FOR PERMANENT AND TEMPORARY EMERGENCY SHELTERS; AND 3) PERMITS SUPPORTIVE HOUSING AND TRANSITIONAL HOUSING IN THE MULTIPLE-FAMILY (R-3) ZONE DISTRICT

THE CITY COUNCIL OF THE CITY OF AUBURN HEREBY FINDS AS FOLLOWS:

- A. Whereas Chapter 633, Statutes of 2007 (SB 2) clarifies housing element law to ensure that zoning encourages and facilitates emergency shelters and limits the denial of emergency shelters and transitional and supportive housing under the Housing Accountability Act; and
- B. Whereas the City of Auburn General Plan Housing Element identifies implementation programs to promote equal housing opportunities for all persons; and
- C. Whereas the City of Auburn General Plan Housing Element includes Program N to accommodate emergency shelters and transitional and supportive housing; and,
- D. Whereas the City of Auburn desires to ensure sufficient capacity to house the City's homeless population in conformance with SB 2; and
- E. Whereas the City of Auburn desires to recognize transitional and supportive housing in conformance with SB2.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN DOES HEREBY ORDAIN:

Section One: Amend Section 159.001 (Definitions) of Title XV of the City of Auburn Municipal Code to revise the definition of **FAMILY** and add definitions for **EMERGENCY SHELTER**, **INSTITUTIONAL USE**, **SUPPORTIVE HOUSING** and **TRANSITIONAL HOUSING**, to read as follows:

EMERGENCY SHELTER. Shall have the same meaning as defined in subdivision (e) of Section 50801 of the Health and Safety Code.

FAMILY. One or more persons living together in a dwelling unit, with common access to, and common use of all living, kitchen, and eating areas within the dwelling unit.

INSTITUTIONAL USE. Shall include premises associated with, but not limited to, places of worship, hospitals, educational facilities, and community service organizations.

SUPPORTIVE HOUSING. Shall have the same meaning as defined in subdivision (b) of Section 50675.14 of the Health and Safety Code.

TRANSITIONAL HOUSING. Shall have the same meaning as defined in subdivision (h) of Section 50675.2 of the Health and Safety Code.

Section Two: Amend Section 159.032 (Medium Density Multiple-family Residential District (R-3)) of Title XV of the City of Auburn Municipal Code by adding the following permitted uses:

- (A)(4) Supportive Housing
- (A)(5) Transitional Housing

Section Three: Amend Section 159.037 (Industrial District) of Title XV of the City of Auburn Municipal Code by adding the following:

- (A)(14) Emergency Shelters, subject to the provisions of Section 159.380 *et seq.*

Section Four: Amend Chapter 159 of Title XV of the City of Auburn Municipal Code by adding Sections 159.380 through 159.382 (Emergency Shelters) as follows:

EMERGENCY SHELTERS

159.380 PURPOSE.

The provisions of this subchapter are adopted to provide regulations which encourage and facilitate the operation of, development of, or conversion to, emergency shelters in accordance with state law and the city's adopted housing element.

159.381 PERMIT REQUIREMENTS

(A) Permanent emergency shelters are a permitted use in the Industrial District (M-2) as identified in Section 159.037, and subject to the development standards identified in Section 159.382.

(B) Temporary emergency shelters are permitted as part of an institutional use subject to the following:

1. Temporary emergency shelters shall conform to the development standards identified in Section 159.047, except as modified below.
2. The maximum number of occupants shall not exceed 60 persons during normal operations, and 75 occupants on severe weather dates.
3. Temporary emergency shelters are not subject to any distance separation requirements.
4. Emergency shelters shall not operate at the same premises more than four (4) nights per week.

5. The shelter shall not operate more than 12 hours per day.
6. The provision of laundry services and at least two showers shall be included as part of the Operations Plan.

159.382 DEVELOPMENT AND MANAGEMENT STANDARDS

(A) Emergency Shelters shall comply with the following:

1. **Occupancy.** The maximum number of occupants shall not exceed twenty-five (25).
2. **Parking Requirements.** Emergency shelters shall provide one parking space for every staff member present plus one parking space for every four (4) residents.
3. **Distance Separation Requirements.** No emergency shelter shall be located:
 - a. Within 300 feet of any other emergency shelter.
 - b. Within 300 feet of property in the Single-family Residential (R-1) zone.

The distance separation requirements shall be measured in a straight line, without regard to intervening structures or objects, from the nearest point of the shelter to the boundary of the zone described above.

4. **Management.** The following management standards shall apply:
 - a. On-site management shall be provided by at least two (2) emergency shelter staff members at all times while clients are present at the shelter.
 - b. Security personnel shall be provided on-site during hours of operation.
 - c. Hours of Operation. Shelters shall establish and maintain set hours for client intake/discharge, which must be prominently posted on-site.
 - d. Management shall maintain an active list of names of all occupants at the shelter. The list shall be provided to the Police Department upon request. Management shall notify the Police Department if they remove an occupant from the shelter.
5. **Facilities.** Shelters shall be situated in permanent premises and shall provide the following facilities:
 - a. An intake/waiting area shall be provided so that clients are not required to wait on sidewalks or any other public rights-of-way.
 - b. Common area for the use of residents.
 - c. Laundry facilities.
 - d. Shower facilities – provide a minimum of two (2) showers.
 - e. Secure areas shall be provided for personal property.
 - f. Adequate interior and exterior lighting shall be provided.
 - g. Telephones shall be provided for use by clients.

6. **Operations Plan.** An operations plan is required for all emergency shelters to address management experience, good neighbor issues, transportation, client supervision, client services, and food services. The plan shall be submitted to and approved by the Community Development Department and Police Department prior to operation of the emergency shelter. The approved plan shall remain active throughout the life of the facility, and all operational requirements covered by the plan shall be complied with at all times. At a minimum, the plan shall include:
- a. A floor plan demonstrating compliance with the physical standards of this chapter.
 - b. Security and safety. Address both on- and off-site needs, including provisions to insure the security and separation of male and female sleeping areas, as well as any family areas within the facility.
 - c. Loitering/noise control. Include specific measures regarding operation controls to minimize the congregation of clients in the vicinity of the facility during hours that clients are not allowed on-site and/or services are not provided.
 - d. Management of outdoor areas. Include a system for daily admittance and discharge procedures and monitoring of waiting areas with a goal to minimize negative impacts to adjacent property.
 - e. Staff training. Insure adequate knowledge and skills to assist clients in obtaining permanent shelter.
 - f. Communication and outreach. Provide objectives to maintain effective, ongoing communication and response to operation issues which may arise within the neighborhood as may be identified by the general public or City staff.
 - g. Adequate and effective screening. Identify the admittance eligibility of clients.
 - h. Litter control. Provide for the regular daily removal of litter attributable to clients within the vicinity of the facility.
 - i. Smoking/drinking/drugs. The possession, sale, and use of alcohol, tobacco, and illicit drugs shall be prohibited.
 - j. The names and contact information of all responsible parties.
7. **Zone Specific Development Standards.** An emergency shelter shall comply with all development standards of the applicable zoning district in which it is located.
8. The facility shall comply with all applicable state and local housing, building, and fire code requirements.
9. The facility shall comply with all applicable state and local licensing as required for any program incidental to the emergency shelter.

Section Five: This Ordinance shall take effect thirty days following its adoption as provided by Government Code Section 36937.

Section Six: The City Clerk shall certify to the passage and adoption of this Ordinance and shall give notice of its adoption as required by law. Pursuant to Government Code Section 36933, a summary of this Ordinance may be published and posted in lieu of publication and posting of the entire text.

Section Seven: If any part of this Ordinance is held to be invalid, such invalidity shall not affect any other provision which reasonably can be given effect without regard to the invalid provision and, to that end, the provisions of this Ordinance are hereby declared to be severable.

DATED: _____, 2013

Kevin Hanley, Mayor

ATTEST:

Stephanie L. Snyder, City Clerk

I, Stephanie L. Snyder, City Clerk of the City of Auburn, hereby certify that the foregoing ordinance was duly passed at a regular session meeting of the City Council of the City of Auburn held on the _____ day of _____ 2013 by the following vote on roll call:

Ayes:
Noes:
Absent:

Stephanie L. Snyder, City Clerk